

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 8TH DAY OF JUNE 1998

BEFORE

THE HON'BLE MR.JUSTICE H.L.DATTU

WRIT PETITION NO.16341 OF 1998

BETWEEN:

Sri.Srinivas,
S/o Channaveere Gowda,
aged 38 years,
R/at Muthurayana Hosahalli,
Hareenahalli Post,
Hunsur Tq.
Mysore District.

...Petitioner

(By Sri.M.Viswajit Rai & K.Sudarsan, Adv. for Petr.)

AND:

The Dy. Commissioner,
Dept. of Food & Civil Supplies,
Mysore District,
Mysore.

...Respondentx

Writ Petition filed Under Articles 226 & 227 of the Constitution of India with an Affidavit praying to Declare the action of the respondent in issuing Notification dt. 16-3-98 vide Annex.B by the respondent is in violation of law. & etc.

Writ Petition is Coming on for Preliminary Hearing this day, the court made the following:

O R D E R

Petitioner is a licensee dealing in food grains. He is before this Court mainly questioning the notification issued by the Deputy Commissioner, ^{Department} ~~Dept.~~ of Food & Civil Supplies, Mysore dated.16-3-98. By the said notification he has called the interested persons to apply for licence to deal in food grains in a particular village.

Learned counsel appearing for the petitioner vehemently contends before this Court that the respondent authority before issuing the impugned

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notification should have held an enquiry as to whether the petitioner is properly conducting the fair price shop. Nextly he contends that if one more licence is granted to some other person pursuant to the notification dated.16-3-98, petitioner would be put to irreparable loss and substantial injury since he would be left with lesser number of ration cards.

We are at the stage of notification. Respondent authorities are of the view that one more licence should be granted to a person to deal in food grains under the Essential Commodities Act in respect of Hareenahalli village. For that purpose they have invited applications. That notification must have been issued after taking into consideration the need for one more fair price depot in respect of Harenahally village of Hunsur taluk. Assuming that the authority has not followed proper procedure, the aggrieved persons including the petitioner can definitely question the procedure

adopted by the respondent authority after finalisation of tenders before the appropriate forum. In this view of the matter, the first contention raised by learned counsel for petitioner has no merit and accordingly it is rejected.

In so far as the second contention is concerned, petitioner cannot claim that he alone is entitled to be in business. Pursuant to the notification he also can file his tender and request the authorities to grant him the licence to deal with food grains. At this stage it cannot be said that the respondent authorities are going to issue licence to some other person leaving the petitioner. Even this contention according to me has no merit whatsoever. Accordingly it is rejected.

For the reasons stated this writ petition is rejected without reference to the respondents. Ordered accordingly.

COPY

Sd/- JUDGE

[Signature]
Assistant Registrar
High Court of Karnataka
Bangalore-560 001

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c.by: *[Signature]*
10/8/98

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